

### **CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE LL**

Measure LL is the "Monterey Park Bruggemeyer Library Special Tax." If adopted by voters, Measure LL would replace an existing special tax that voters approved for funding the Bruggemeyer Library (via Measure C on the April 14, 1998 ballot). That special tax will expire on June 30, 2018.

Measure LL would impose an annual special tax as follows:

- \$25 on each single-family residential dwelling unit or each dwelling unit in a residential condominium project.
- \$50 on each parcel improved with two residential units, which is not a condominium project.
- \$75 on each parcel improved with three or more residential units, which is not a condominium project.
- \$75 on each parcel improvement with a nonresidential building.

These tax rates are the same as originally approved by voters in 1998. It is estimated that the special tax will generate annual revenue of \$500,000. Revenue generated from this special tax can only be used for the following purposes:

- Expanding library service hours.
- Increasing technology services.
- Acquiring books and materials.
- Improving the library facility and infrastructure via capital improvement projects.
- Funding maintenance and operating costs for the above library services, equipment, and infrastructure.

Tax revenue cannot be used for any other purpose. The special tax imposed by Measure LL would expire on July 1, 2037.

To be adopted, Measure LL must be approved by a 2/3 majority of the voters in the city of Monterey Park.

A "yes" vote on Measure LL favors the Measure.

A "no" vote on Measure LL opposes the Measure.

## **ARGUMENT IN FAVOR OF MEASURE LL**

Monterey Park has one of the finest library buildings, thanks to the passage of a tax measure 20 years ago, that allowed us to rebuild. However, the Library will fall short of serving the needs of the community without extending the measure.

Our library gets heavy use by thousands of children, high school and college students, adults and seniors, each and every day. Our multi-ethnic library materials, literacy and citizenship programs, and technology classes are much in demand.

A Library Consultant Study revealed – compared to State and other similar sized cities' libraries, ours has fewer operating funds, fewer open hours, and the library lacks current and important books.

Measure LL will provide for increased open hours, improve the collection and have up-to-date technology. It will provide for physical improvements and more librarians and support staff to better serve our residents.

Without your vote:

- The library will be closed on weekends
- Books and materials will be inadequate
- Technology will become outdated
- Many programs may be reduced or eliminated.

MEASURE LL will only be used for library purposes, and will supplement, not replace, minimum guaranteed funding from the City. All five City Council Members support the library and unanimously approved the measure by placing it on the ballot.

The cost is \$25 per year for a home – the price of one dinner out. For a business parcel, it is \$75 per year.

**THE LIBRARY** is the focus of Monterey Park's cultural and educational life – a better library with exciting programs will enhance your property values by tens of thousands of dollars. We are an educationally conscious community, so please for the sake of the children and all of us living in Monterey Park,

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**ARGUMENT IN FAVOR OF MEASURE LL (Continued)**

**VOTE YES ON MEASURE LL.**

PETER CHAN  
Council Member

THERESA G. AMADOR  
Vice President, Monterey Park Library Foundation

ROBERT GIN  
Board of Education, Alhambra USD

DAVID M. BARRON  
Vice President, Chamber of Commerce

YUKIO KAWARATANI  
Community Activist & Civic Volunteer

**NO ARGUMENT AGAINST THIS MEASURE WAS SUBMITTED**

**PROPOSED ORDINANCE OF MEASURE LL**

**A PROPOSITION ADOPTING AN ORDINANCE TO RENEW A SPECIAL PARCEL TAX FOR LIBRARY SERVICES AT THE MONTEREY PARK BRUGGEMEYER LIBRARY.**

The People of the City of Monterey Park do hereby ordain as follows:

**SECTION 1:** Chapter 3.42 of the Monterey Park Municipal Code (“MPMC”) is amended in its entirety to read as follows:

**“Chapter 3.42 LIBRARY SPECIAL TAX**

**§ 3.42.010 SHORT TITLE.**

The tax imposed by chapter may be referenced as the “Monterey Park Bruggemeyer Library Special Tax.”

**§ 3.42.020 PURPOSE.**

- A. The Monterey Park Bruggemeyer Library Special Tax is imposed to provide funds for the City to pay for:
  - 1. Expanding Library service hours.
  - 2. Increasing technology services.
  - 3. Acquiring books and materials.
  - 4. Improving the library facility and infrastructure via capital improvement projects.
- B. The Monterey Park Bruggemeyer Library Special Tax may also fund maintenance and operating costs for the above services, equipment and infrastructure.
- C. This special tax is to supplement, not to replace, the City’s general fund budget appropriation for the Library. The special tax funds are to be used for the above purposes and the City Council cannot reduce the current level of funding to the Library because of the additional funding provided by this chapter, except in declared financial emergencies with concurrence from the Library Board of Trustees.
- D. The City Council may provide for collection of the special tax in the same manner and subject to the same penalties as, or with, other charges and taxes fixed and collected by the City, or by the County of Los Angeles on behalf of the City. If the special tax is collected by the County on behalf of the City, the County may deduct its reasonable costs incurred in such service.
- E. The City’s cost of enforcing and administering this chapter, including refunds, can be paid from the special tax revenue.

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## **PROPOSED ORDINANCE OF MEASURE LL (Continued)**

### **§ 3.42.030 DEFINITIONS.**

Unless the contrary is stated or clearly appears from the context, the following definitions will govern the construction of the words and phrases used in this Chapter. Words and phrases not defined below have the same meaning as set forth in Title 21 of this code.

“Administrator” means the city manager, or designee.

“Advancement” means only those general funds necessary to pay for services or goods authorized by this chapter, but for which insufficient funds have yet to be collected in the special fund due to tax collection cycles during the fiscal year.

“Apartment” has the same meaning as “multi-family dwelling” as defined in this code.

“Condominium project” means a condominium, a community apartment project, or a stock cooperative, as defined in Civil Code § 1351.

“Library” means the Monterey Park Bruggemeyer Library.

“Maintenance and operating costs” means all reasonable and necessary costs expended or incurred by the city for maintaining and operating the Library, calculated in accordance with generally accepted accounting principles including, without limitation:

- A. Those amounts necessary to maintain a “foundation program” which means those elements of library service which are basic to its function as a provider of information, education and cultural enrichment to all segments of the community including, without limitation, collection development and maintenance; lending services; information services such as databases, digital devices, technology equipment; and facility maintenance and administration. This may include, without limitation, amounts paid or payable from time to time for books (including electronic books); periodicals; reference materials; research materials; subscription services or other information sources; the reasonable expenses of management and repair and other expenses necessary to maintain and preserve the Library in good repair and working order, compensation of employees including, without limitation salaries, wages and benefits; fees of auditors, accountants, attorneys or engineers; and insurance premiums.
- B. Depreciation, replacement and obsolescence charges or reserve thereof.
- C. But does not mean costs to provide support services to the Library by any other department of the city or for costs of major capital improvements.

“Special Fund” means Library Special Tax Fund described within this chapter.

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**PROPOSED ORDINANCE OF MEASURE LL (Continued)**

**§ 3.42.040 SPECIAL TAX.**

- A. There is imposed an annual special tax on each residential dwelling unit and nonresidential parcel within the city of Monterey Park for the purposes set forth in this chapter as follows:
  - 1. \$25 on each single-family residential dwelling unit or each dwelling unit in a residential condominium project.
  - 2. \$50 on each parcel improved with two residential units, which is not a condominium project.
  - 3. \$75 on each parcel improved with three or more residential units, which is not a condominium project.
  - 4. \$75 on each parcel improvement with a nonresidential building.
- B. Except as otherwise provided, if in any fiscal year there is outstanding any bonded indebtedness issued on reliance on the revenue of this special tax, the annual special tax levy cannot decrease below the amount necessary for payment of that outstanding indebtedness and interest thereon.
- C. Except as otherwise provided, the annual special tax cannot be levied in any fiscal year in which the city council's general fund budget and appropriations for the library is less than 5.3 percent of the city's total general fund budget. Upon a four-fifths vote of the city council and the library board of trustees, the threshold percentage to levy the special tax in any fiscal year may be reduced to five percent. In determining the total general fund budget amount, the amount of any new or increased fees and charges approved after the calendar year 1997 will be deducted from such calculation and determination.

**§ 3.42.050 SPECIAL FUND.**

- A. A special fund is established designated the "Library Special Tax Fund." Revenue collected pursuant to this chapter must be deposited into the special fund and be used exclusively as provided in this chapter for the purposes of which the tax is imposed, and for no other purposes. Nothing in this section prevents the City Council from disbursing from this special fund to reimburse the general fund if, and only if, money has been advanced from the general fund to pay for the uses provided for in this chapter.
- B. Any money raised by the special tax, including any interest accrued thereon, that remains unencumbered at the end of any fiscal year may be used in succeeding fiscal years for only the purposes stated in this chapter.

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## **PROPOSED ORDINANCE OF MEASURE LL (Continued)**

### **§ 3.42.060 ADJUSTMENTS AND REFUNDS.**

- A. Requests for adjustments involving imposition of this special tax must be filed with the administrator. Upon applicant's production of reasonably sufficient evidence of error in the computation of the tax or exemption therefrom, the administrator may cause the tax to be recalculated, and will so advise the Los Angeles County tax collector or other appropriate official.
- B. Whenever it is alleged that the amount of any tax was overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter, the refund procedure will be as follows:
  - 1. No claim for refund of tax payment will be allowed in whole or in part unless filed with the city clerk within a period of three years from the date of the claimed overpayment. All such claims for refund of the amount of the overpayment must be filed on forms furnished, and in the manner prescribed by the administrator. Refunds may be made solely from the special tax revenues collected under this chapter.
  - 2. In the event the administrator denies the claim, he/she must notify the claimant pursuant to Government Code § 913.
  - 3. The administrator is authorized to settle claims involving the special tax, and the power to accept and record underpayments or overpayments of such tax. The administrator has the authority to make refunds of this tax.
  - 4. If the county of Los Angeles does not collect any tax due under this chapter, then the administrator has the power and duty to enforce all of the provisions of this chapter. In such cases, an assessment may be made against the owner of a parcel in the manner provided by law. Any unpaid tax due under this chapter is subject to all remedies provided under this code and as provided by applicable law.
  - 5. The special tax is due in two equal installments in accordance with the collection procedures of the Los Angeles County tax collector, with the first installment due November 1st and the second installment due in the next succeeding February 1st, in each fiscal year. The owner of land, at the time set forth in Revenue and Taxation Code §§ 405 and 2192 for each fiscal year, has a personal obligation to the city until the tax is paid for such fiscal year.
  - 6. The administrator may prepare a questionnaire to be served on the owner of a parcel subject to this special tax. The questionnaire may request information which would be useful to the administrator in the enforcement or administration of this chapter. The failure by an owner to provide the information requested within thirty days of receipt of the request, or the act of an owner in knowingly providing false information, is a misdemeanor.

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**PROPOSED ORDINANCE OF MEASURE LL (Continued)**

**§ 3.42.070 EXEMPTIONS.**

- A. The tax imposed by this chapter does not apply to:
1. Any person or service when imposition of the tax upon that person or service would violate a federal or state statute, the Constitution of the United States, or the Constitution of the state of California.
  2. The city.
  3. A tax-exempt nonprofit organization.
  4. Property owners if such owner receives a low income/life line exemption pursuant to a city council resolution adopted pursuant to Chapter 3.38 of this code.
  5. Property owners who have income, adjusted for family size, at or below eighty percent of the area median income as determined under the Section 8 Income Limits for Los Angeles County as published by the U.S. Department of Housing and Urban Development and applicable to the Community Development Block Grant Programs.
  6. Unimproved real property.
  7. Property owners who own a single- family dwelling unit or a dwelling unit in a residential condominium project and own a nonresidential non-residential parcel both subject to the tax imposed by this chapter may exempt one nonresidential non-residential parcel from this special tax.
- B. Except as otherwise provided, any person that is exempt from the tax imposed by this chapter must file an application with the administrator for an exemption. The application for a Tax exemption must be made upon a form approved by the administrator and state those facts, declared under penalty of perjury, which qualify the applicant for an exemption, and include the names of all utility service providers serving that person. If deemed exempt by the administrator, such person must give the administrator timely written notice of any change in utility service providers so that the administrator can properly notify the new utility service provider of the person's Tax exempt status.
- C. A person failing to comply with this section is not entitled to a refund of Tax remitted to the administrator from such person as a result of such non-compliance.

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**PROPOSED ORDINANCE OF MEASURE LL (Continued)**

**§ 3.42.080 SUSPENSION OR REDUCTION.**

Nothing in this chapter requires the City Council to collect a tax; the city council may suspend or reduce tax rates imposed by this chapter by resolution after a public hearing.

**§ 3.42.090 CITY COUNCIL AUTHORITY TO AMEND.**

Unless voter approval is required by the California Constitution or applicable law, the City Council may exercise all applicable powers set forth in the Government Code including, without limitation, amending this chapter by ordinance upon three affirmative votes by its members. It may, in addition, adopt by ordinance or resolution such additional regulations that may be necessary to implement the purposes of this chapter.

**§ 3.42.100 SUNSET CLAUSE.**

This chapter is repealed and will become ineffective on July 1, 2037, unless the voters take additional action to extend the effectiveness of this chapter in accordance with applicable law.”

**SECTION 2:** Environmental Analysis. This Proposition is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 2100, et seq., “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, et seq.) because it establishes rules and procedures to implement government funding mechanisms; does not involve any commitment to a specific project which could result in a potentially significant physical impact on the environment; and constitutes an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. Accordingly, this Proposition does not constitute a “project” that requires environmental review (see specifically 14 CCR § 15378(b)(4-5)).

**SECTION 3:** Interpretation. This Proposition must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Proposition is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Proposition. The voters declare that this Proposition, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Proposition is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Proposition that can be given effect without the invalid application.

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## **PROPOSED ORDINANCE OF MEASURE LL (Continued)**

**SECTION 4:** Severability. If any portion of this Proposition is held by a court of competent jurisdiction to be invalid, the remainder of the Proposition and the application of such provision to other persons or circumstances will not be affected thereby. We the People indicate our strong desire that: (i) the City Council use its best efforts to sustain and reenact that portion, and (ii) the City Council implement this Proposition by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Proposition, and then adopting or reenacting such portion as necessary or desirable to allow imposition of the tax.

**SECTION 5:** Construction. This Proposition must be broadly construed in order to achieve the purposes stated in this Proposition. It is the intent of the voters that the provisions of this Proposition be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Proposition.

**SECTION 6:** Effective Date. This Proposition will enact and impose a special tax. Accordingly, it will be submitted to a general election on March 7, 2017 for voter approval. If 2/3 of voters vote in favor of this Proposition, it will become valid and binding ten days after the date that the City Council certifies the election results in accordance with Elections Code § 9217.

**SECTION 7:** Effective Date. The Mayor will sign this Proposition and the City Clerk will attest and certify to the passage and adoption of this Ordinance if 2/3 of the voters voting in the City's general election on March 7, 2017 approve the Proposition.